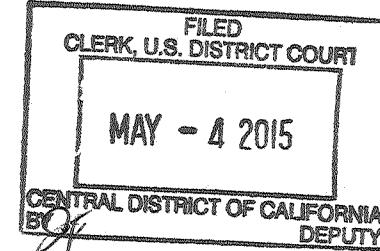


1 Robert S. Markman
2 18554 Frankfort Street
3 Northridge, California 91324
4 TEL. 818.998.0362
5 robertmarkman@msn.com



6 Pro Se Plaintiff
7
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

LA CV15 3335 DDP (GCC)

11 ROBERT S. MARKMAN
12

13 Plaintiff
14

vs.

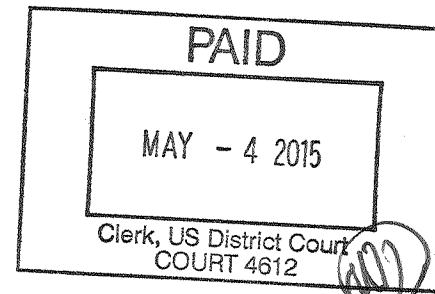
15 RACHEL LASOTA, MAKSIM
16 DEGTYAR, KIM WILSON,
17 MARIANNE ECKHART, CHP
18 OFFICER JEREMY TOLEN,
19 CHP OFFICER KEANE, CHP
20 SARGEANT WAUGHAN, DAVID
21 CHU M.D., CLINT SALO
22 D.O., J. KELLOG M.D.,
23 KIYO TESHIMA, COLLEGE
24 HOSPITAL OF
25 CERRITOS, CALIFORNIA
HIGHWAY PATROL, MEDICAL
BOARD OF CALIFORNIA

COMPLAINT FOR DAMAGES (42
U.S.C. §1983, 28 U.S.C.
§1331, §1343 and §1367)

JURY TRIAL DEMANDED

AND TEN UNKNOWN NAMED
DEFENDANTS ("DOES 1-10),
INCLUSIVE

Defendants



1
2 **JURISDICTION and VENUE**
3

- 4 1. This is an action for redress for deprivations of
5 constitutional rights under 42 U.S.C. §1983 et seq.
6 2. Additionally, the jurisdiction of this court is
7 invoked pursuant to 28 U.S.C. § 1331, §1343 and
8 §1367.

9 **II. PARTIES**
10

- 11 3. Plaintiff **ROBERT S. MARKMAN** is a resident of the
12 state of California.
13
14 4. Defendant **RACHEL LASOTA** was at all times herein
15 mentioned, an employee of the state of California.
16 In that capacity she was acting under color of state
17 law during the relevant acts and omissions alleged
18 herein. She is being sued in her individual
19 capacity.
20
21 5. Defendant **MARIANNE ECKHART** was at all times herein
22 mentioned, an employee of the state of California.
23 In that capacity she was acting under color of state
24 law during the relevant acts and omissions alleged
25 herein. She is being sued in her individual
 capacity.
26
27 6. Defendant **MAKSIM DEGTYAR** was at all times herein
28 mentioned, an employee of the state of California.

1 In that capacity he was acting under color of state
2 law during the relevant acts and omissions alleged
3 herein. He is being sued in his individual capacity.

4 7. Defendant **KIM WILSON** was at all times herein
5 mentioned, an employee of the state of California.
6 In that capacity she was acting under color of state
7 law during the relevant acts and omissions alleged
8 herein. She is being sued in her individual
9 capacity.

10 8. Defendant **JEREMY TOLEN** was at all times herein
11 mentioned, an officer of the CALIFORNIA HIGHWAY
12 PATROL In that capacity he was acting under color of
13 state law during the relevant acts and omissions
14 alleged herein. He is being sued in his individual
15 capacity.

16 9. Defendant **CHP OFFICER KEANE ID # 20727** was at all
17 times herein mentioned, an officer of the California
18 Highway Patrol. In that capacity he was acting under
19 color of state law during the relevant acts and
20 omissions alleged herein. He is being sued in his
21 individual capacity.

22 10. Defendant **DAVID CHU**, M.D. was at all times herein
23 mentioned, a physician working as an independent
24 contractor for or employed by College Hospital,
25 Cerritos. In that capacity he was acting under color

1 of state law during the relevant acts and omissions
2 alleged herein, acting as a willing participant in
3 joint action with the State and its agents. He is
4 being sued in his individual capacity.

5 11. Defendant **CLINT SALO**, D.O. was at all times herein
6 mentioned, a physician working as an independent
7 contractor for or employed by College Hospital,
8 Cerritos. In that capacity he was acting under color
9 of state law during the relevant acts and omissions
10 alleged herein, acting as a willing participant in
11 joint action with the State and its agents. He is
12 being sued in his individual capacity.

13 12. Defendant **J. KELLOG. M.D. was** at all times herein
14 mentioned, a physician working as an independent
15 contractor for or employed by College Hospital,
16 Cerritos. In that capacity he was acting under color
17 of state law during the relevant acts and omissions
18 alleged herein, acting as a willing participant in
19 joint action with the State and its agents. He is
20 being sued in his individual capacity.

21 13. Defendant **KIYO TESHIMA R.N.** was at all times herein
22 mentioned, a nurse working as an independent
23 contractor for or employed by College Hospital,
24 Cerritos. In that capacity she was acting under
25 color of state law during the relevant acts and

1 omissions alleged herein, acting as a willing
2 participant in joint action with the State and its
3 agents. She is being sued in her individual
4 capacity.

5 14. Defendant **COLLEGE HOSPITAL OF CERRITOS** is a
6 psychiatric hospital located in Cerritos, California
7 where the plaintiff was incarcerated on a 72 hour
8 "5150" hold.

9 15. Defendant **CALIFORNIA HIGHWAY PATROL** is an agency of
10 the state of California and as such is the employer
11 of the California Highway Patrol defendants

12 16. Defendant **MEDICAL BOARD OF CALIFORNIA** is an agency
13 of the state of California and as such is the
14 employer of the Medical Board of California
15 defendants.

16 17. Plaintiff is ignorant of the true names of DOES 1-
18 10 and prays leave of the Court to insert the true
19 names and capacities of such Defendants when they
20 become known or are ascertained, together with
appropriate charging allegations.

21 18. Plaintiff is informed and believes and thereon
22 alleges that each of the Defendants named herein was
23 the agent, employee or representative of each of the
24 remaining defendants, and in doing the things herein
25 mentioned, were acting in the course and scope of

1 such agency and employment. It is further alleged
2 that in doing the acts or omissions complained of
3 herein, that Defendants, and each of them, acted or
4 omitted to act in concert as agents of and/or on
5 behalf of the other defendants named herein.

6 Defendants, and each of them, did acts and omissions
7 alleged herein maliciously in bad faith and with
8 knowledge that their conduct violated well and
9 clearly established and settled law and the
10 Constitution of the United States.

11 **III. FACTUAL ALLEGATIONS**

13 **3.** The plaintiff is a medical doctor licensed to
14 practice medicine in the state of California. On
15 December 23, 2013, following an accusation by the
16 Medical Board of California and a formal hearing,
17 the plaintiff's license was restricted and
18 conditions were placed on his practice of medicine
19 including a requirement to attend quarterly
20 probation interviews at the Medical Board of
21 California's probation unit in Cerritos, CA.

22 **4.** Medical Board of California (MBC) Probation officer
23 Dianna Gharibian and her supervisor, defendant
24 Rachel LaSota were assigned to the plaintiff. These
25 two required that the plaintiff be frisked for

1 weapons every time he arrived at the Cerritos office
2 for his interview. The plaintiff was frisked at his
3 first interview without incident.

4. During the time between the first and second
5 quarterly probation interviews the plaintiff
6 sustained a left shoulder injury and when he
7 appeared at his second quarterly interview on March
8 25, 2014 he told the security person who was about
9 to frisk him for weapons that due to pain from his
10 shoulder injury, he would be unable to put his left
11 arm behind his back in the position the security
12 person insisted on. The security person ignored him
13 and grabbed the plaintiff's left arm, pulled it
14 behind the plaintiff's back and violently forced it
15 upwards. The plaintiff pulled away in pain and the
16 security person then immediately threw the plaintiff
17 to the floor at which time the plaintiff sustained
18 further injury to his left shoulder. The plaintiff
19 got up and then complied with the security person's
20 new order to stand facing a wall, not with his hands
21 behind his back but with his hands in front of him
22 touching the wall. He was frisked without further
23 incident and his interview then proceeded
24 uneventfully.

1 **6.** On March 28, 2014, three days after being assaulted
2 by the Medical Board Probation department security
3 person, the plaintiff sought medical treatment for
4 unrelenting left shoulder pain. He was diagnosed
5 with a partially torn left rotator cuff by his
6 personal physician who began to treat him with a
7 series of injections in his left shoulder joint
8 intended to promote healing of the torn rotator
9 cuff. After the first injection the plaintiff
10 developed a large hematoma over his left shoulder.

11 **7.** On May 6, 2014 the plaintiff received a phone call
12 from his MBC probation officer, Dianna Gharibian,
13 advising him to report to the Cerritos Probation
14 office on May 29, 2014 for his third quarterly
15 interview.

16 **8.** On May 12, 2014 the plaintiff sent an email to MBC
17 probation officer Dianna Gharibian informing her
18 that he had suffered an injury to his left shoulder
19 at the last interview, that he was undergoing
20 treatment and that he would only come for an
21 interview if she would guarantee that he wouldn't be
22 assaulted again by their security person.

23 **9.** In this email the plaintiff suggested substituting a
24 telephone interview for the scheduled in-person
25 interview as an option to avoid any further problems

1 until his shoulder improved. The plaintiff stated in
2 his email that if an in-person interview was
3 absolutely necessary he would be willing to strip
4 naked and allow his belongings and clothes to be
5 searched for weapons in order to avoid the chance of
6 further injury to his shoulder while being frisked.
7 His shoulder had unfortunately shown no signs of
8 improvement.

9 **10.** This email was completely ignored by the personnel
10 at the probation office and there was absolutely no
11 response to it from either Ms. Gharibian or
12 defendant LaSota.

13 **11.** On 5/27/14, two days before the scheduled
14 interview, due to the refusal of Ms. Gharibian to
15 respond to his email, the plaintiff telephoned Ms.
16 Gharibian who then demanded that the plaintiff come
17 in for his interview and submit to being searched
18 and frisked by security personnel. The plaintiff
19 said he would come but only if he could bring along
20 an observer to video tape the search.

21 **12.** Because of the untenable situation being forced on
22 him that the plaintiff believed was hazardous to his
23 physical well-being, on 5/28/14 he made a telephone
24 call to Ms. Gharibian's supervisor, defendant Rachel
25 LaSota.

1 **13.** Defendant LaSota advised the plaintiff that she
2 would not allow Dr. Markman to bring along an
3 observer and she demanded that Dr. Markman come to
4 his interview and submit to being frisked. Defendant
5 LaSota stated that she would talk to the security
6 personnel and she would have a resolution in the
7 morning when the plaintiff arrived for his
8 interview. The plaintiff said that he had given the
9 probation office two weeks notice of his shoulder
10 problem and he had no intention of driving two hours
11 to Cerritos only to find that there was no
12 satisfactory resolution.

13 **14.** Dr. Markman then offered that as an alternative he
14 would come to the interview naked so that no search
15 would be necessary. Defendant LaSota did not object
16 to this offer and said "fine we'll see you in the
17 morning."

18 **15.** The plaintiff arrived for his 10:00 AM interview at
19 10:00 AM wearing only his underwear and when he
20 asked for Rachel LaSota he was told that he could
21 leave because she would not see him and there would
22 be no interview because he was not dressed
23 appropriately.

24 **16.** The plaintiff then asked the receptionist to tell
25 him when it was 10:45 AM explaining that that was

when someone was arriving to pick him up. She agreed to tell him and the plaintiff sat down to wait for his ride but shortly after sitting down he decided to leave the office to wait in the parking lot. He took an elevator down to the lobby where, unknown to the plaintiff, a CHP officer had been called by LaSota to detain him. This CHP officer then detained the plaintiff in the parking lot. The plaintiff explained to this CHP officer why he was wearing only a shirt and his underwear and he demonstrated to him his inability to place his left arm behind him in a raised position and he also showed him the obvious hematoma that was present on his left shoulder.

17. The plaintiff and this CHP officer were quickly joined by defendant Investigator Maksim Degtyar, defendant senior investigator Kim Wilson, defendant investigator Marianne Eckhart, defendant Probation Unit Supervisor LaSota, and approximately 16 additional CHP and Sheriff's personnel.

18. The plaintiff then observed Deftyar, Wilson, Eckhart and LaSota all speaking to CHP officers Tolen and Keane for over one hour, after which one of the CHP officers demanded that Markman turn around and place his hands behind his back. When

1 Markman hesitated and tried to explain his shoulder
2 injury the CHP officers violently restrained him
3 then threatened to TASE him and the plaintiff
4 submitted. The CHP officers handcuffed Markman's
5 hands behind his back and they ignored Markman's
6 complaints of pain.

7 **19.** Eventually the plaintiff was transported to College
8 Hospital where he was involuntarily admitted on a
9 5150 hold based on an APPLICATION FOR 72-HOUR
10 DETENTION FOR EVALUATION AND TREATMENT prepared by
11 CHP Officers Tolen and Keane. These defendants
12 claimed that what they wrote in this APPLICATION FOR
13 72-HOUR DETENTION FOR EVALUATION AND TREATMENT was
14 based on their own "personal knowledge" of the
15 plaintiff and on additional information provided to
16 them by the Medical Board of California Probation
17 Department defendants.

18 **20.** Defendants LaSota, Degtyar, Wilson, and Eckhart
19 (all of the Probation department employees)
20 knowingly provided completely false information to
21 the CHP officers and conspired with them for over
22 an hour to come up with completely fraudulent
23 grounds to incarcerate Markman on a 72 hour Welfare
24 and Institutions section 5150 hold. Defendant CHP
25 officers Keane and Tolen knowingly added their own

1 completely false statements, claiming that they had
2 their own personal knowledge of the plaintiff. None
3 of the statements provided in the APPLICATION FOR
4 72-HOUR DETENTION FOR EVALUATION AND TREATMENT are
5 factual and all of the above named defendants knew
6 that these statements were all completely and
7 utterly false. All of these defendants knew that
8 even if any of the statements was true they could
9 not possibly provide legitimate grounds for a 5150
10 hold.

11 **21.** The APPLICATION FOR 72-HOUR DETENTION FOR
12 EVALUATION AND TREATMENT prepared by Officer Tolen
13 states:

- 14 a. "I was called by the CA Medical Board in
15 Cerritos for a non-cooperative doctor that
16 showed up for a psych eval/hearing wearing only
17 his underwear. He resisted being detained.
18 b. Robert Markman has a documented prior history of
19 violence of which I am personally aware of due
20 to an ongoing investigation.
21 c. When Markman was contacted by social services
22 and LAPD for injecting his daughter's vagina
23 daily with propofol, he assaulted them and
24 hospitalized the officers.

1 d. *Markman is also known to sleep in bed with his
2 adult daughter after drugging her with
3 propofol.*"

4 **22.** A form labeled Narrative/Supplemental prepared by
5 defendant CHP officer D. Keane was attached to the
6 APPLICATION FOR 72-HOUR DETENTION FOR EVALUATION AND
7 TREATMENT prepared by Officer Tolen. It states:

8 a. "*At 1055 hours I received a call from Sergeant
9 Waughan #17299 of a non-cooperative doctor that
10 showed up to the California Board in Cerritos
11 for his psychological evaluation/hearing wearing
12 only his underwear. I contacted Dr. Markman
13 sitting on the curb edge in the parking lot.
14 Officer Tolen, #17998, gave him a lawful order
15 to stand up, turn around and place his hands
16 over his head in order to detain Dr. Markman for
17 5150.*

18 b. *Officer Tolen told Dr. Markman-we are here to
19 help you, not hurt you.*

20 c. *Officer Tolen has personal knowledge of Dr.
21 Markman's ongoing case with the California
22 Medical Board involving Dr. Markman injecting
23 his adult daughter's vaginal region with
24 Propofol anesthetic.*

1 d. Dr. Markman has also been documented by the L.A.
2 Department of Social Services for this
3 inappropriate contact with his family member, in
4 addition to sleeping in the same bed with her
5 while she has been drugged.

6 e. Additionally, he has booby-trapped his residence
7 and

8 f. He attacked two Los Angeles Police Department
9 Detectives, hospitalizing them.

10 g. Prior to heading to the California Medical Board
11 today, Probation Unit Supervisor Rachel LaSota
12 advised Markman that he was not to bring any
13 weapons to the California Medical Board's office
14 since the LAPD has records that he failed to
15 surrender all of his registered weapons after
16 being placed on probation for attacking the
17 detectives.

18 h. Markman advised Supervisor LaSota, I am going to
19 come with nothing but the gun God gave me."

20 **23.** The ARREST-INVESTIGATION REPORT prepared by
21 defendant CHP officer J. Tolen ID # 17998 states:
22 a. "At 1055 hours I received a call from Sergeant
23 Waughan #17299 of a non-cooperative doctor that
24 showed up to the California Board in Cerritos

1 for his psychological evaluation/ license
2 hearing wearing only his underwear.

3 b. Rachel LaSota informed all responding CHP
4 officers that Markman had managed to make it all
5 the way up to the 7th floor of their building
6 and walk right into the lobby of their office.

7 c. Markman's photo is posted up adjacent to the
8 left side of the office door informing all MBC
9 employees not to allow him to enter due to his
10 prior instances of violence and mental
11 instability.

12 d. Markman refused to leave the premises when he
13 was asked to do so by MBC staff.

14 e. Markman arrived inappropriately attired and
15 Markman was physically restrained and escorted
16 out of the building by security.

17 f. I gave Dr. Markman a lawful order to stand up,
18 turn around, and place his hands behind his head
19 in order to detain Markman per 5150.05(a)W & I
20 due to credible information provided by MBC to
21 CHP regarding Markman's mental health history.

22 g. I was made aware by MBC in the prior weeks that
23 Markman would be showing up to the MBC Probation
24 Unit office sometime in May. Supervisor LaSota
25 was so concerned regarding the potential

1 *volatility of Markman during this appointment*
2 *that she requested a CHP Safety Services*
3 *Program (SSP) unit stand by for the entire*
4 *duration of this scheduled appointment; however,*
5 *her request was denied by MBC headquarters in*
6 *Sacramento.*

7 *h. As Officer Keane and I started to detain Dr.*
8 *Markman, he physically resisted, quickly and*
9 *forcefully moving his arms and hand in front of*
10 *his torso and tensing up...I told Dr. Markman in a*
11 *soothing tone of voice, We are here to help you,*
12 *not hurt you.*

13 *i. I was made aware that MBC has an ongoing case*
14 *investigation of Dr. Markman for mental illness*
15 *and allegedly having inappropriate*
16 *physical/sexual contact with his live in, adult*
17 *daughter.*

18 *j. Dr. Markman has admitted to MBC that he*
19 *regularly drugs his daughter with Propofol and*
20 *that no other doctor can be allowed to treat*
21 *her.*

22 *k. According to LAPD documentation, Markman*
23 *attacked and hospitalized two LAPD detectives,*
24 *in addition to having his residence booby*
25 *trapped.*

1 1. Prior to heading to the MBC Probation Unit
2 Office in Cerritos on May 29th, Probation Unit
3 Supervisor Rachel LaSota advised Markman that he
4 was not to go bring any weapons to the MBC
5 office. LAPD has records indicating Markman
6 failed to surrender all of his registered
7 weapons after being placed on probation for
8 attacking the detectives.

9 m. Markman warned Supervisor LaSota, I am going to
10 come with nothing but the gun God gave me."

11 **24.** The record of advisement written by College
12 Hospital admitting R.N. Chantal states:

13 a. "As a result of a mental disorder you are likely
14 to:

15 1. Harm yourself

16 2. Be unable to take care of your own
17 food, clothing, and housing needs

18 b. You showed up for a psych evaluation wearing
19 only underwear

20 c. You have a history of violence with ongoing
21 investigation

22 d. You assaulted officers

23 e. You are known to sleep in bed with your adult
24 daughter after drugging her with propofol"

1 **25.** The plaintiff was not examined by a psychiatrist
2 until he had been incarcerated in College Hospital
3 for twenty four hours. Defendant psychiatrists Chu
4 and Salo both deliberately, unethically and
5 fraudulently worded their evaluations to justify a
6 5150 hold. Despite deliberately falsifying their
7 evaluations, Chu and Salo's evaluations do not
8 provide a legal basis for a 5150 hold. Defendant
9 psychiatrists Chu and Salo refused to release the 72
10 hour hold on the plaintiff even though their own
11 psychiatric evaluations and their own Global
12 Assessment of Function (GAF) scale scoring clearly
13 indicated that the plaintiff's mental status did not
14 meet the legal requirements for a 5150 hold.

15 **26.** Defendant Kellog M.D. oversees and approves the
16 work of Chu and Salo. He reviews and adds his
17 signature to their written psychiatric evaluations.
18 From reading their evaluations it was clear to
19 Kellog that the plaintiff's mental status did not
20 meet the legal requirements for a 5150 hold, yet
21 Kellog refused to release the Plaintiff from
22 custody.

23 **27.** Defendant psychiatrist David Chu wrote a
24 psychiatric discharge summary in which every
25 statement he made was knowingly false. These

1 statements falsely portrayed the plaintiff's mental
2 status in the following terms: "patient is suicidal,
3 homicidal, has paranoid delusions; diagnosis is
4 psychosis, rule out schizophrenia, rule out bipolar
5 disorder".

6 **28.** Defendant KIYO TESHIMA, R.N. works for College
7 Hospital, Cerritos. She holds the title of "Director
8 of Psychiatric Services" at College Hospital and she
9 is the designated Patient's Rights Advocate at
10 College Hospital. She is required by California
11 state law to see and provide services to all
12 patients requesting a Patient's Rights Advocate.
13 During the entire 72 hours the plaintiff was
14 involuntarily confined at College Hospital,
15 defendant TESHIMA refused to see or provide services
16 to the plaintiff and in the days and weeks following
17 his release she continued to refuse to see or
18 provide services to the plaintiff.

19 **29.** Despite the fact that no medication was ever
20 prescribed by either psychiatrist, defendant
21 psychiatrist Chu repeatedly wrote "patient refuses
22 all medication."

23 **30.** Defendant COLLEGE HOSPITAL ignored the legal
24 requirements of a 5150 hold by not having a
25 professional evaluate the plaintiff before

1 incarcerating him at College Hospital. Defendant
2 College Hospital knowingly, negligently, and in
3 conspiracy with defendants Chu, Kellog and Salo
4 conspired to hold the plaintiff against his will
5 using deliberately false psychiatric evaluations in
6 order to line their pockets. College Hospital also
7 is attempting to cover up its misdeeds by refusing
8 to provide complete records of the plaintiff's
9 incarceration despite being required to do so by
10 law.

11

12

13

14 **FIRST CLAIM**

15 **A. 42 U.S.C.1983-VIOLATION OF PLAINTIFF'S FOURTH**
16 **AMENDMENT AND FOURTEENTH AMENDMENT RIGHT TO BE**
17 **FREE FROM UNREASONABLE SEIZURE AND WRONGFUL**
18 **DETENTION AND PSYCHIATRIC EVALUATION PURSUANT TO**
19 **CA WELFARE AND INSTITUTIONS CODE §5150 WITHOUT**
20 **PROBABLE CAUSE**

21 **AGAINST ALL DEFENDANTS**

22 **31.** Plaintiff incorporates by reference each and every
23 allegation contained in all previous paragraphs as
24 though fully set forth.

1 **32.** The Defendants, each and every one of them, acted
2 individually to deprive the plaintiff of his
3 constitutional right to be free from unreasonable
4 seizure and confinement. Defendants RACHAEL LASOTA,
5 MAKSIM DEGTYAR, KIM WILSON, MARIANNE ECKHART, CHP
6 OFFICER JEREMY TOLEN, CHP OFFICER KEANE, CHP
7 SARGEANT WAUGHAN all, as employees of the State of
8 California, acted under color of state law.

9 Defendants DAVID CHU M.D. and CLINT SALO D.O also
10 acted under color of state law, acting as willing
11 participants in joint action with the State and its
12 agents. The Defendants had no probable cause to
13 seize and confine the plaintiff to College Hospital
14 for 72 hours based on a 5150 application. They
15 accomplished an illegal seizure and imprisonment by
16 knowingly and maliciously fabricating and using
17 multiple false statements for the purpose of
18 depriving the plaintiff of his freedom.

19 **33.** The defendants' conduct was the proximate cause of
20 harm and damage to the plaintiff and by reason of
21 the foregoing alleged acts and conduct the PLAINTIFF
22 is entitled to damages against defendants according
23 to proof at trial.

24 **34.** The defendants engaged in the aforementioned acts
25 maliciously, callously, oppressively, wantonly,

recklessly, fraudulently, with deliberate
indifference to the rights allegedly violated,
despicably and with evil motive and/or intent, and
in disregard of the rights of the plaintiff.. The
plaintiff is therefore entitled to and does seek
punitive damages against the defendants. WHEREFORE
plaintiff seeks relief in an amount according to
proof at trial.

SECOND CLAIM

**42 U.S.C.1983-CONSPIRACY TO VIOLATE THE PLAINTIFF'S
FOURTH AMENDMENT AND FOURTEENTH AMENDMENT RIGHT TO BE
FREE FROM UNREASONABLE SEIZURE against defendants
RACHAEL LASOTA, MAKSIM DEGTYAR, KIM WILSON, MARIANNE
ECKHART, CHP OFFICER JEREMY TOLEN, CHP OFFICER KEANE
and CHP SARGEANT WAUGHAN**

35. Plaintiff incorporates by reference each and every
allegation contained in all previous paragraphs as
though fully set forth.

36. The Defendants named above in the FIRST CLAIM, each
and every one of them, conspired with each other to
deprive the plaintiff of his constitutional right to
be free from unreasonable seizure and confinement.

1 Defendants had no reasonable suspicion or probable
2 cause to detain, arrest or confine the plaintiff
3 based on the legal requirements of a 5150
4 application. They accomplished an illegal seizure
5 and imprisonment by knowingly and maliciously
6 conspiring to fabricate and use a multitude of false
7 statements for the purpose of depriving the
8 plaintiff of his freedom.

9 **37.** The defendants' conduct was the proximate cause of
10 harm and damage to the plaintiff and by reason of
11 the foregoing alleged acts and conduct the PLAINTIFF
12 is entitled to damages against defendant officers
13 according to proof at trial.

14 **38.** The defendants engaged in the aforementioned acts
15 maliciously, callously, oppressively, wantonly,
16 recklessly, fraudulently, with deliberate
17 indifference to the rights allegedly violated,
18 despicably and with evil motive and/or intent, and
19 in disregard of the rights of PLAINTIFF ROBERT
20 MARKMAN. PLAINTIFF is therefore entitled to and
21 does seek punitive damages against the defendants.
22 WHEREFORE plaintiff seeks relief in an amount
23 according to proof at trial.

24 **THIRD CLAIM**
25

1 **DEPRIVATION OF CONSTITUTIONAL RIGHTS-42 U.S.C.**

2 **Excessive Force**

3 **Against Defendant Jeremy Tolen and CHP Defendant**
4 **officer Keane (FOURTH AND FOURTEENTH AMENDMENTS)**

5 **39.** Plaintiff incorporates all prior paragraphs of this
6 complaint, as though fully set forth herein.

7 **40.** The defendant police officers used unreasonable and
8 excessive force in detaining, arresting, confining
9 and incarcerating plaintiff Robert Markman on
10 December 21, 2011

11 **41.** The defendant officers' conduct was the proximate
12 cause of harm and damage to the plaintiffs and by
13 reason of the foregoing alleged acts and conduct,
14 the plaintiff is entitled to damages against
15 defendant officers, all according to proof at trial.

16 **42.** The defendant officers engaged in the
17 aforementioned acts maliciously, callously,
18 oppressively, wantonly, recklessly, fraudulently,
19 and with deliberate indifference to the rights
20 allegedly violated, despicably and with evil motive
21 and intent, and in disregard to the rights of Robert
22 Markman. Markman is therefore entitled to and does
23 seek punitive damages against the defendant
24 officers.

25 **FOURTH CLAIM**

1 **DEPRIVATION OF CONSTITUTIONAL RIGHTS-**

2 **FOURTH/FIFTH/FOURTEENTH AMENDMENTS-42U.S.C. § 1983-**

3 **DELIBERATE INDIFFERENCE TO A KNOWN OBJECTIVELY SERIOUS**

4 **MEDICAL NEED AGAINST DEFENDANTS LASOTA, TOLEN, KEANE,**

5 **CHU AND SALO**

6 43. The defendants showed a deliberate indifference to
7 the plaintiff's known serious medical needs;

8 a. Defendant LaSota demanded that the plaintiff be
9 subjected to being frisked for weapons even
10 after she had been informed by the plaintiff
11 that he was unable to place his arms into the
12 position demanded by her security personnel in
13 order to be frisked. She knew that the plaintiff
14 had suffered a torn left rotator cuff at the
15 hands of her security person on March 25, 2014.
16 She knew that the plaintiff had offered to strip
17 naked to avoid being subjected to further
18 injury. She in fact, had accepted that offer in
19 a telephone conversation with the plaintiff.

20 b. Defendants DAVID CHU M.D. and CLINT SALO D.O
21 knew that the plaintiff, due to his shoulder
22 injury needed to be removed from the presence of
23 the violent psychotic patients he was forced to
24 sleep in the same room with since his left
25 shoulder injury would have prevented him from

1 defending himself against these patients had
2 they actually decided to carry out their very
3 real repeated threats to murder him. These two
4 defendants admitted that the plaintiff should
5 have been transferred to a safer patient unit
6 while he incarcerated at College Hospital for
7 the 72 hour 5150 evaluation. Defendants DAVID
8 CHU M.D. and CLINT SALO D.O's deliberate
9 indifference to this known objective medical
10 need caused severe emotional distress to the
11 plaintiff and resulted in him spending the 72
12 hours unable to sleep at all and in constant
13 fear for his life.

14 **44.** At least forty five minutes before forcing the
15 plaintiff to place his hands behind his back to be
16 handcuffed, the defendant CHP officers were informed
17 by the plaintiff that he had a left shoulder injury
18 that would cause him severe pain if his left arm was
19 forced behind his back. Nevertheless, and despite
20 protests by the plaintiff, defendant CHP officers
21 Tolen and Keane grabbed the plaintiff's arms and
22 then threatened to TASE him if he did not allow them
23 to place his arms behind his back. Due to the threat
24 of TASING him, the plaintiff then was forced to
25 allow the officers to handcuff him with his arms

1 behind his back. Despite the plaintiff's repeated
2 complaints of pain he was then placed in the front
3 of a patrol car where he complained of pain
4 continually for 45 minutes to no avail as his
5 complaints were completely ignored by defendant
6 officers Tolen and Keane.

7 **45.** Despite the fact that the admitting psychiatrist at
8 College Hospital DEFENDANT Clint Salo recognized
9 immediately that the plaintiff did not have a
10 psychiatric illness that could possibly meet the
11 legal requirements of a 5150 hold (Salo's admitting
12 diagnosis-adjustment disorder-unspecified) and did
13 not belong incarcerated at College Hospital much
14 less in a ward full of violent psychotic patients
15 and despite plaintiff repeatedly reporting to the
16 staff that he had been threatened by violent
17 psychotic patients who threatened to kill him, the
18 plaintiff was forced to share a room with these
19 violent psychotic patients for 72 hours and
20 consequently was in constant fear for his life until
21 his release. The defendant psychiatrists both
22 refused repeatedly to transfer the plaintiff to a
23 safer environment and refused to release him despite
24 their knowledge that he was no way he could legally
25 be held under Welfare & Institutions 5150.

46. The defendants engaged in the aforementioned acts and omissions maliciously, callously, oppressively, wantonly, recklessly, fraudulently, and with deliberate indifference to the rights allegedly violated, despicably and with evil motive and intent, and in disregard to the rights of Robert Markman. Markman is therefore entitled to and does seek punitive damages against the defendant officers.

FIFTH CLAIM

DEPRIVATION OF CONSTITUTIONAL RIGHTS-FOURTH AMENDMENT-
42U.S.C.S 1983-FAILURE TO INTERVENE TO PREVENT A
VIOLATION OF THE FOURTH AMENDMENT AND FOURTEENTH
AMENDMENT AGAINST ALL DEFENDANTS

47. Plaintiff incorporates all paragraphs of this complaint, as though fully set forth herein.

48. Each and every defendant witnessed the other defendants violating the plaintiff's fourth amendment right to be free from unreasonable seizure but failed to intervene to prevent the violation.

1 the information used to obtain and maintain a 5150
2 hold on the plaintiff was all false and fabricated
3 for the sole purpose of maliciously abusing the law
4 in order to punish, get even with and injure the
5 plaintiff for their own personal profit.

6 **49.** Plaintiff incorporates all paragraphs of this
7 complaint, as though fully set forth herein.

8 **50.** The defendants' conduct was the proximate cause of
9 harm and damage to the plaintiff and by reason of
10 the foregoing alleged acts and conduct, the
11 plaintiff is entitled to damages against defendants,
12 all according to proof at trial.

13 **51.** The defendants engaged in the aforementioned acts
14 maliciously, callously, oppressively, wantonly,
15 recklessly, fraudulently, and with deliberate
16 indifference to the rights allegedly violated,
17 despicably and with evil motive and intent, and in
18 disregard to the rights of Robert Markman. Markman
19 is therefore entitled to and does seek punitive
20 damages against the defendants.

21
22 **SIXTH CLAIM**

23 **(42 U.S.C.1983 AND 28 U.S.C 1367) STATE CREATED**
24 **DANGER AGAINST ALL DEFENDANTS**

52. Plaintiff incorporates all prior paragraphs of this complaint, as though fully set forth herein.

53. Liability exists when the state affirmatively places a particular individual in a position of danger the individual would not have otherwise faced.

54. While incarcerated the plaintiff was repeatedly threatened by psychotic patients whom he was forced to share a room with. These patients threatened to kill him and as a consequence the plaintiff spent the entire 72 hours he was incarcerated awake.

SEVENTH CLAIM

**42 U.S.C.1983-VIOLATION OF THE PLAINTIFF'S FIRST
AMENDMENT CONSTITUTIONAL RIGHT OF FREE SPEECH AND
FOURTEENTH AMENDMENT RIGHT TO EQUAL PROTECTION
AGAINST DEFENDANTS LASOTA and ECKHART**

55. Plaintiff incorporates all prior paragraphs of this complaint, as though fully set forth herein.

56. The plaintiff's attempt to be interviewed by Medical Board of California probation officers while wearing only underwear is protected as free speech under the First Amendment and Fourteenth Amendment of the Constitution.

57. Defendants LaSota and Eckhart used this act of free speech as a basis for incarceration under California 5150, a violation of the First Amendment right of the plaintiff.

58. Defendants LaSota and Eckhart engaged in discriminatory treatment based on an irrational and wholly arbitrary basis motivated by spiteful effort to get the plaintiff for reasons wholly unrelated to any legitimate state objective.

59. The defendants' conduct was the proximate cause of harm and damage to the plaintiff, and by reason of the foregoing alleged acts and conduct, the plaintiff is entitled to damages against defendant officers, all according to proof at trial.

60. The defendants engaged in the aforementioned acts maliciously, callously, oppressively, wantonly, recklessly, fraudulently, and with deliberate indifference to the rights allegedly violated, despicably and with evil motive and intent, and in disregard to the rights of Robert Markman. Markman is therefore entitled to and does seek punitive damages against the defendant officers.

EIGHTH CLAIM

1 **FALSE IMPRISONMENT (28 U.S.C 1367) AGAINST ALL**
2 **DEFENDANTS**

3 **61.** Plaintiff incorporates by reference each and every
4 allegation contained in all previous paragraphs as
5 though fully set forth.

6 **62.** The Defendants, each and every one of them, acted
7 individually to falsely imprison the plaintiff.

8 Defendants RACHAEL LASOTA, MAKSIM DEGTYAR, KIM
9 WILSON, MARIANNE ECKHART, CHP OFFICER JEREMY TOLEN,
10 CHP OFFICER KEANE, CHP SARGEANT WAUGHAN all, as
11 employees of the State of California, acted under
12 color of state law. Defendants DAVID CHU M.D. and
13 CLINT SALO D.O also acted under color of state law,
14 acting as willing participants in joint action with
15 the State and its agents. The Defendants had no
16 probable cause to seize and confine the plaintiff to
17 College Hospital for 72 hours based on a 5150
18 application. They accomplished an illegal seizure
19 and imprisonment by knowingly and maliciously
20 fabricating and using multiple false statements for
21 the purpose of depriving the plaintiff of his
22 freedom.

23 **63.** The defendants' conduct was the proximate cause of
24 harm and damage to the plaintiff and by reason of
25 the foregoing alleged acts and conduct the PLAINTIFF

is entitled to damages against defendants according to proof at trial.

NINTH CLAIM

NEGLIGENCE (28 U.S.C. 1367) AGAINST ALL DEFENDANTS

64. Plaintiff incorporates by reference each and every allegation contained in all previous paragraphs as though fully set forth.

65. The Defendants, each and every one of them acted with gross and deliberate negligence in imprisoning and mistreating the plaintiff. Defendants RACHAEL LASOTA, MAKSIM DEGTYAR, KIM WILSON, MARIANNE ECKHART, CHP OFFICER JEREMY TOLEN, CHP OFFICER KEANE, CHP SARGEANT WAUGHAN all, as employees of the State of California, acted under color of state law. Defendants DAVID CHU M.D. and CLINT SALO D.O also acted under color of state law, acting as willing participants in joint action with the State and its agents. The Defendants had no probable cause to seize and confine the plaintiff to College Hospital for 72 hours based on a 5150 application. They accomplished an illegal seizure and imprisonment by knowingly and maliciously fabricating and using multiple false statements for the purpose of depriving the plaintiff of his freedom.

66. The defendants' conduct was the proximate cause of harm and damage to the plaintiff and by reason of the foregoing alleged acts and conduct the PLAINTIFF is entitled to damages against defendants according to proof at trial.

TENTH CLAIM

FRAUD (28 U.S.C. 1367) AGAINST ALL DEFENDANTS

67. Plaintiff incorporates by reference each and every allegation contained in all previous paragraphs as though fully set forth.

68. The Defendants, each and every one of them, deliberately acted fraudulently to cause the plaintiff to be imprisoned on a fraudulently obtained 5150 hold. Defendants RACHAEL LASOTA, MAKSIM DEGTYAR, KIM WILSON, MARIANNE ECKHART, CHP OFFICER JEREMY TOLEN, CHP OFFICER KEANE, CHP SARGEANT WAUGHAN all, as employees of the State of California, acted under color of state law. Defendants DAVID CHU M.D. and CLINT SALO D.O also acted under color of state law, acting as willing participants in joint action with the State and its agents. The Defendants had no probable cause to seize and confine the plaintiff to College Hospital

1 for 72 hours based on a 5150 application. They
2 accomplished an illegal seizure and imprisonment by
3 knowingly and maliciously fabricating and using
4 multiple false statements for the purpose of
5 depriving the plaintiff of his freedom.

6 **69.** The defendants' conduct was the proximate cause of
7 harm and damage to the plaintiff and by reason of
8 the foregoing alleged acts and conduct the PLAINTIFF
9 is entitled to damages against defendants according
10 to proof at trial.

11

12 **ELEVENTH CLAIM**

13 **DEFAMATION (28 U.S.C 1367) AGAINST ALL DEFENDANTS**

14 **70.** Plaintiff incorporates by reference each and every
15 allegation contained in all previous paragraphs as
16 though fully set forth.

17 **71.** The Defendants, each and every one of them, acted
18 individually and deliberately to defame the
19 plaintiff, both by libel and slander. Defendants
20 RACHAEL LASOTA, MAKSIM DEGTYAR, KIM WILSON,
21 MARIANNE ECKHART, CHP OFFICER JEREMY TOLEN, CHP
22 OFFICER KEANE, CHP SARGEANT WAUGHAN all, as
23 employees of the State of California, acted under
24 color of state law. Defendants DAVID CHU M.D. and
25 CLINT SALO D.O also acted under color of state law,

1 acting as willing participants in joint action with
2 the State and its agents. The Defendants had no
3 probable cause to seize and confine the plaintiff to
4 College Hospital for 72 hours based on a 5150
5 application. They accomplished an illegal seizure
6 and imprisonment by knowingly and maliciously
7 fabricating and using multiple false statements for
8 the purpose of depriving the plaintiff of his
9 freedom.

10 **72.** The defendants' conduct was the proximate cause of
11 harm and damage to the plaintiff and by reason of
12 the foregoing alleged acts and conduct the PLAINTIFF
13 is entitled to damages against defendants according
14 to proof at trial.

15 **TWELVETH CLAIM**

16 **INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS (28**
17 **U.S.C 1367) AGAINST ALL DEFENDANTS**

18 **73.** Plaintiff incorporates by reference each and every
19 allegation contained in all previous paragraphs as
20 though fully set forth.

21 **74.** The Defendants, each and every one of them, acted
22 individually to intentionally inflict emotional
23 distress on the plaintiff. Defendants RACHAEL
24 LASOTA, MAKSIM DEGTYAR, KIM WILSON, MARIANNE
25 ECKHART, CHP OFFICER JEREMY TOLEN, CHP OFFICER

1 KEANE, CHP SARGEANT WAUGHAN all, as employees of the
2 State of California, acted under color of state law.
3 Defendants DAVID CHU M.D. and CLINT SALO D.O also
4 acted under color of state law, acting as willing
5 participants in joint action with the State and its
6 agents. The Defendants had no probable cause to
7 seize and confine the plaintiff to College Hospital
8 for 72 hours based on a 5150 application. They
9 accomplished an illegal seizure and imprisonment by
10 knowingly and maliciously fabricating and using
11 multiple false statements for the purpose of
12 depriving the plaintiff of his freedom.

13 **75.** The defendants' conduct was the proximate cause of
14 harm and damage to the plaintiff and by reason of
15 the foregoing alleged acts and conduct the PLAINTIFF
16 is entitled to damages against defendants according
17 to proof at trial

18 **DEMAND FOR JURY**

19 Plaintiff DEMANDS THAT EACH OF HIS CLAIMS BE TRIED
20 BEFORE A JURY

21 **PRAYER**

22 Wherefore, plaintiff prays for judgment against
23 these defendants, and each of them, as follows:
24
25

1. For a money judgment representing compensatory damages, general damages, special damages, and other sums according to proof;
 2. For a money judgment for mental pain and anguish and emotional distress according to proof at trial;
 3. For punitive damages against the individual Defendants in an amount sufficient to make an example of them and to deter others;
 4. For costs of suit
 5. For pre and post-judgment interest;
 6. For such order and further relief as this Court deems just.

Dated this 4th day of May,
2015

By: Robert Markman
ROBERT MARKMAN
Pro Se Plaintiff

I. (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>)		DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>)																																																																																																																							
ROBERT S. MARKMAN																																																																																																																									
(b) County of Residence of First Listed Plaintiff <u>LOS ANGELES</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>																																																																																																																							
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. ROBERT MARKMAN 18554 FRANKFORT STREET, NORTHRIDGE, CA 91324 818-998-0362		Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.																																																																																																																							
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)																																																																																																																							
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<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent																																																																																																																				
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark																																																																																																																				
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	SOCIAL SECURITY																																																																																																																				
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)																																																																																																																				
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	Other:	<input type="checkbox"/> 862 Black Lung (923)																																																																																																																				
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))																																																																																																																				
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI																																																																																																																				
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))																																																																																																																				
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS																																																																																																																				
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 355 Motor Vehicle Product Liability	FORFEITURE/PENALTY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)																																																																																																																				
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																																																																																																																					
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	LABOR																																																																																																																						
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act																																																																																																																						
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations																																																																																																																						
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 740 Railway Labor Act																																																																																																																						
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 751 Family and Medical Leave Act																																																																																																																						
		<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 790 Other Labor Litigation																																																																																																																						
		<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 791 Employee Ret. Inc.																																																																																																																						
		<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> Security Act																																																																																																																						
		<input type="checkbox"/> 446 American with Disabilities-Other																																																																																																																							
		<input type="checkbox"/> 448 Education																																																																																																																							
FOR OFFICE USE ONLY: Case Number: <u>1A CV15 3335</u>																																																																																																																									
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court?

Yes No

If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.

STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action?

Yes No

If "no," skip to Question C. If "yes," answer Question B.1, at right.

B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.?

check one of the boxes to the right →

YES. Your case will initially be assigned to the Southern Division.
 Enter "Southern" in response to Question E, below, and continue from there.

NO. Continue to Question B.2.

B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)

check one of the boxes to the right →

YES. Your case will initially be assigned to the Eastern Division.
 Enter "Eastern" in response to Question E, below, and continue from there.

NO. Your case will initially be assigned to the Western Division.
 Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action?

Yes No

If "no," skip to Question D. If "yes," answer Question C.1, at right.

C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.?

check one of the boxes to the right →

YES. Your case will initially be assigned to the Southern Division.
 Enter "Southern" in response to Question E, below, and continue from there.

NO. Continue to Question C.2.

C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)

check one of the boxes to the right →

YES. Your case will initially be assigned to the Eastern Division.
 Enter "Eastern" in response to Question E, below, and continue from there.

NO. Your case will initially be assigned to the Western Division.
 Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?

A.
Orange County

B.
Riverside or San
Bernardino County

C.
Los Angeles, Ventura,
Santa Barbara, or San
Luis Obispo County

Indicate the location(s) in which 50% or more of *plaintiffs who reside in this district* reside. (Check up to two boxes, or leave blank if none of these choices apply.)

Indicate the location(s) in which 50% or more of *defendants who reside in this district* reside. (Check up to two boxes, or leave blank if none of these choices apply.)

D.1. Is there at least one answer in Column A?

Yes No

If "yes," your case will initially be assigned to the

SOUTHERN DIVISION.

Enter "Southern" in response to Question E, below, and continue from there.

If "no," go to question D2 to the right. →

D.2. Is there at least one answer in Column B?

Yes No

If "yes," your case will initially be assigned to the

EASTERN DIVISION.

Enter "Eastern" in response to Question E, below.

If "no," your case will be assigned to the WESTERN DIVISION.

Enter "Western" in response to Question E, below.

QUESTION E: Initial Division?

INITIAL DIVISION IN CACD

Enter the initial division determined by Question A, B, C, or D above: →

WESTERN DIVISION

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties?

Yes No

IX(a). IDENTICAL CASES: Has this action been previously filed in this court? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court? NO YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY**(OR SELF-REPRESENTED LITIGANT):** Robert Mankin

DATE: 5-4-15

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))